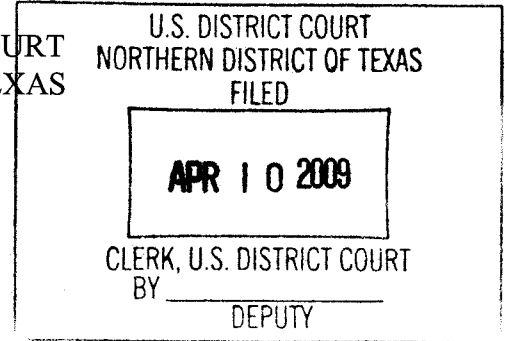


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



EMILIO SANCHEZ DURAN

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:07-CV-0137

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**and DISMISSING PETITION FOR A WRIT OF MANDAMUS**

Petitioner has filed with this Court a petition for a writ of mandamus. On May 16, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant mandamus application be dismissed with prejudice as frivolous and for failure to state a claim on which relief can be granted. On June 27, 2008, petitioner filed a letter with the Court stating "petitioner has no objections to the Magistrates [sic] Report and Recommendation."

Having made an independent examination of the record in this case, the undersigned United States District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the petition for a writ of mandamus is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 9th day of April 2009.

MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE